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10/620,130	07/15/2003	Jean-Claude Dufourd	1241-03	7856
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EXAMINER				
DAYE, CHELSEA L				
ART UNIT		PAPER NUMBER		
2161				
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06/23/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

# Office Action Summary

**Application No.**

10/620,130

**Applicant(s)**

DUFOURD ET AL.

**Examiner**

CHELCIE DAYE

**Art Unit**

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-19 and 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is issued in response to applicant's amendment filed June 01, 2010.
2. Claims 15-30 are presented. No claim added and claims 1-14, 20, and 30 are cancelled.
3. Claims 15-19 and 21-29 are pending.
4. Applicant's arguments filed June 01, 2010, have been fully considered but they are not persuasive.

### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 15 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In particular, independent claims 15 and 26 have been amended to recite "the first digital sequence is based on a **downstream interaction stream**". The examiner believes that the specification does not provide the needed support for disclosing the newly added feature listed above, with regards to the downstream interaction stream.

Thus, new matter has been incorporated and corrections are needed. In order to further prosecution, the broadest reasonable interpretation will be given to the claim language.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 15-19 and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalva (US Patent No. 7,149,770) filed January 29, 1999, in view of Liang (US Patent No. 6,766,355) filed October 21, 1998, further in view of Kim (US Patent No. 7,302,464) priority date March 14, 2000.**

Regarding Claim 15, Kalva discloses a method for managing interactions between at least one peripheral command device and at least one multimedia application exploiting the standard MPEG-4 for displaying a scene comprising MPEG-4 objects, said peripheral command device delivering digital signals of user interactions as a function of actions of one or more users on said scene comprising:

constructing a first digital sequence having the form of a BIFS node (Binary Form for Scenes in accordance with the standard MPEG-4) (column 4,

lines 17-22 and column 5, lines 15-32, Kalva), and wherein the BIFS node further comprises at least a nature of action field and a parameter for action field to be applied to objects of said scene, said node specifying an association between said digital signals of user interactions and the scene objects (column 4, lines 45-50; column 5, lines 19-52; Kalva), and

the nature of action field defines at least one action to be applied to the scene with the parameter of action field, a value of the parameter for action field corresponds to a parameter of said digital signals received from the peripheral command device (columns 7-8, lines 18-25, 67, and 1-15, respectively, Kalva). However, Kalva is not as detailed with the BIFS node comprising one or more updates based on the raw data to modify the scene, executing the first digital sequence to reflect the one or more updates to modify the scene, and a flag, the status of which enables or prevents the at least one action to be taken into account.

On the other hand, Liang discloses one or more updates based on the raw data to modify the scene (column 6, lines 44-60, Liang)<sup>1</sup>, executing the first digital sequence to reflect the one or more updates to modify the scene (column 15, lines 47-50, Liang), and a flag, the status of which enables or prevents the at least one action to be taken into account (column 15, lines 33-36 and 47-65, Liang). Kalva and Liang are analogous art because they are from the same field of endeavor of MPEG-4 standards. It would have been obvious to one of ordinary

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<sup>1</sup> Examiner Notes: Since the BIFS data is a binary format, then the data is clearly "raw" data.

skill in the art at the time of the invention to incorporate Liang's teachings into the Kalva system. A skilled artisan would have been motivated to combine as a way of monitoring and controlling the actions which may take place on the device. Thereby, allowing the system to be consistent and interactive. However, Kalva in view of Liang, are not as detailed with the first digital sequence is based on a downstream interaction stream of raw data from the peripheral command device.

On the other hand, Kim discloses wherein the first digital sequence is based on a downstream interaction stream of raw data from the peripheral command device (column 7, lines 13-23, Kim)<sup>2</sup>. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Kim's teachings into the Kalva and Liang system. A skilled artisan would have been motivated to combine in order to provide an MPEG-4 system which offers bidirectional communication services, thus, allowing the properly handling of multimedia content.

Regarding Claim 16, the combination of Kalva in view of Liang, further in view of Kim, disclose the method further comprising transferring said first digital sequence into a composition memory using a decoding sequence of MPEG-4 systems to introduce the interaction data into a composition device for composing said scene (column 4, lines 51-67, Kalva).

Regarding Claim 17, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein transferring is performed under control of a flow comprising at least one flow descriptor, itself transporting information required for configuration of the decoding sequence with an appropriate decoder (column 4, lines 31-37 and 51-67, Kalva).

Regarding Claim 18, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein the BIFS node comprises a number of variable fields dependent on the form of peripheral command device, and transferring the interaction data of fields of the node to fields of objects of said scene is implemented by routes (column 5, lines 46-52 and column 7, lines 41-51, Kalva).

Regarding Claim 19, the combination of Kalva in view of Liang, further in view of Kim, disclose the method further comprising signaling activity of the device (column 8, lines 3-4, Kalva).

Regarding Claim 21, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein signal delivery is performed in the form of a flow indicated by a descriptor, which contains information for configuring a

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<sup>2</sup> Examiner Notes: Further details about the downstream channel transmitting a scene based on the binary format (i.e. raw data) can be found at col.2, lines 43-46, Kim.

decoding sequence with an appropriate decoder (column 4, lines 61-67 and column 6, lines 5-29, Kalva).

Regarding Claim 22, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein constructing the interaction data sequence is performed in a decoding buffer memory of a multimedia application execution terminal (Fig.2, Kalva).

Regarding Claim 23, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein translation of the interaction data sequence is performed in a decoder equipped with an interface with a composition device for composing said scene similar to an ordinary BIFS decoder for executing the BIFS- Commands decoded on the scene (column 4, lines 51-67 and columns 8-9, lines 60-67 and 1-2, respectively, Kalva).

Regarding Claim 24, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein flow of user interactions passes through a DMIF client associated with the device that generates access units to be placed in a decoding buffer memory linked to a corresponding decoder (column 4, lines 51-67, Kalva).



Regarding Claim 25, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein flow of user interactions enters into a corresponding decoder, either directly, or via an associated decoding buffer memory, thereby shortening the path taken by the user interaction flow (Fig.2, Kalva).

Claims 26-29 have the same subject matter as claims 15-19 and 21-25, and are essentially rejected for the same reasons as discussed above.

### ***Response to Arguments***

**Applicant argues, the combination of Kalva, Liang, and Kim fail to disclose “a first digital sequence” in the form of a BIFS node based on “a downstream interaction stream of raw data from the peripheral command device,” the BIFS node comprising “one or more updates based on the raw data to modify the scene,” and subsequent execution of the first digital sequence “to reflect the one or more updates to modify the scene”.**

Examiner respectfully disagrees. To begin, Kalva teaches of elementary streams that contain scene description information coded in MPEG-4, wherein the MPEG-4 defines a BIFS (see col.4, lines 17-22 and col.5, lines 15-32), wherein the elementary streams with scene description corresponds to the first digital sequence.

Next, Kim teaches of a user request processing apparatus having a server for transmitting through a downstream channel a 3-dimensional scene generated based on a binary format (see col.2, lines 43-45), wherein the downstream is based on a binary format, which corresponds to the raw data; thus disclosing the downstream interaction of raw data from a peripheral command device. Even further, Kim's discussion of MPEG-4 BIFS scene containing an error when transmission errors occur in nodes forming a scene through the downstream channel, so the user watches and selects an object in which the error occurred using a mouse and the terminal forms an upstream channel message to the server (see col.7, lines 13-23), teaches the use of a mouse (i.e. peripheral command device) to select and submit the object back to the server (i.e. upstream), but that is based on a downstream error of the BIFS scene data.

Lastly, Liang teaches about the updating/modifying of a node (col.6, lines 44-60), wherein the MultiUserGroup node is an object based scene description (which is based on the BIFS standard, thereby making the data "raw" data), which allows users to interact with the shared content of the same scene (see col.3, lines 20-30). Also, Liang executes the received modified node (see col.15, lines 47-50). Therefore, the combination of references does in fact teach the above argued features.

**Applicant argues that withdrawal of the 35 USC 112, first paragraph, rejection should be implemented based on the clear support by the specification of the term "downstream interaction stream of raw data".**

Examiner respectfully disagrees. To begin, withdrawal of the rejection with regards to the "raw data" has been implemented, due to the overall understanding that the claimed raw data is binary data that is associated with the data within the BIFS node. Next, examiner does not believe adequate support within the specification or explained by the applicant is convincing for the withdrawal of the feature of the "downstream interaction stream". The examiner understands that a downstream of data is data which transmits from the server to the client. However, the specification is not believed to detail such actions. As such, the rejection is maintained.

#### ***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571) 272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye  
Patent Examiner  
Technology Center 2100  
June 10, 2010

/Apu M Mofiz/  
Supervisory Patent Examiner, Art Unit 2161